



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, 28 जनवरी, 1980/8 माघ, 1901

हिमाचल प्रदेश सरकार

उद्योग विभाग

अधिसूचना

शिमला-2, 7 दिसम्बर, 1979

संख्या उद्योग-छ(6)-16/79.—भारत सरकार उद्योग मन्त्रालय (ओद्योगिक विकास विभाग) द्वारा जारी आदेश सं० एस० ओ०-७१५(ई), दिनांक 18 दिसम्बर, 1978 जो कि उन्होंने आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 के अन्तर्गत जारी किया, उसे जन साधारण की जानकारी के लिये, घरेलु विद्युत सचिव (क्वालिटी) नियन्त्रण आदेश, 1976 को प्रकाशित किया जाता है।

रमेश चन्द्र,
सचिव ।

GOVERNMENT OF INDIA
MINISTRY OF INDUSTRY
DEPARTMENT OF INDUSTRIAL DEVELOPMENT
ORDER

New Delhi, the 18th December, 1978

S. O. 715 (E).—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) the Central Government hereby makes the following order to amend the House-hold Electrical Appliances (Quality Control) Order, 1976, namely:—

1. (1) This order may be called the Household Electrical Appliances (Quality Control) Amendment Order, 1978.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Household Electrical Appliances (Quality Control) Order, 1976,—

(1) in clause 2 sub-clause (a) shall be renumbered as sub-clause (aa) and before sub-clause (aa) as so renumbered, the following sub-clause shall be inserted, namely:—

‘(a) “Director of Industries” means the Director of Industries appointed by a State Government’;

(2) after clause 3, the following clauses shall be inserted, namely:—

“4 (4) *Power to call for information etc.*—The Director of Industries may with a view to securing compliance with this order—

(a) require any person engaged in the manufacture, storage for sale, sale or distribution of any house-hold electrical appliance to give such information as he deems necessary in relation to the manufacture, storage for sale, sale or distribution of any house-hold electrical appliance as he deems necessary for the implementation of this order or require any such person to furnish to him samples of any house-hold electrical appliance or any component of any house-hold electrical appliance;

(b) inspect or cause to be inspected any books or other documents or any house-hold electrical appliance or the components of any house-hold electrical appliance kept by or belonging to or in the possession or under the control of any person engaged in the manufacture, storage for sale, sale or distribution of any house-hold electrical appliance;

(c) enter and search, any premises and seize any house-hold electrical appliance in respect of which he has reason to believe that a contravention of this order has been committed or is not of the specified standard.

(2) The provisions of section 100 of the Criminal Procedure Code, 1973 (2 of 1974) relating to search and seizure, shall, so far as may be, apply to searches and seizures under this clause.

5 Testing of samples.—(1) Where the Director of Industries is of the opinion that it is necessary so to do for the purpose of ascertaining whether any household electrical appliance is of the specified standard, he may take

from any person engaged in the manufacture, storage for sale, sale or distribution of any such electrical appliance a sample or samples thereof.

- (2) The sample or samples shall be taken in the presence of the person so engaged in the manufacture, storage for sale, sale or distribution of such electrical appliance or his authorised representative and a receipt in such form as may be specified by the Central Government shall be given to such person in respect of the sample or samples so taken and the price of the article or appliance shall be paid by the Director of Industries to such person.
- (3) Where the Director of Industries has taken any sample of any household electrical appliance under sub-clause (1), he shall deliver the same for to ascertain whether testing to any laboratory authorised for the purpose by the Central Government the household electrical appliance is of the specified standard.
- (4) The officer-in-charge of the laboratory referred to in sub-clause (3) shall carry out or cause to be carried out all tests necessary to determine whether such house-hold electrical appliance is of the specified standard and give a report of the result of the tests in triplicate in such form as may be specified by the Central Government.
- (6) *Power to prohibit the disposal of any house-hold electrical appliance.*—Where the Director of Industries has reason to believe that any house-hold electrical appliance is not of the specified standard and the defect can be removed, he may direct the person engaged in the manufacture of, storage for sale, sale or distribution of such appliance to remove the defect within such time not exceeding twenty days, as may be specified by the Director of Industries and not to dispose of such appliance until the defect is removed.
- (7) *Power to issue directions.*—The Director of Industries may issue such directions consistent with the provisions of this order as may be necessary in carrying out the purposes of this order.
- (8) *Compliance of directions.*—Every person engaged in the manufacture, storage for sale, sale or distribution of any house-hold electrical appliance, to whom any direction is issued under this order shall comply with such direction.
- (9) *Delegation of powers.*—The Director of Industries may, by general or special order in writing, and with the approval of the Central Government, authorise any officer to exercise on his behalf all or any of his functions and powers under this order:

Provided that no officer below the rank of an Assistant Director of Industries or equivalent rank shall be authorised by the Director of Industries to exercise the power of search and seizure under paragraph (c) of sub-clause (1) of clause 4.

- (10) *Obligation to furnish information.*—No person shall with intent to evade the provisions of this order refuse to give any information lawfully demanded from him under clause 4 or conceal, destroy, mutilate or deface any books or documents or any house-hold electrical appliance kept by such person or in the possession or control of such person.
- (11) Any person aggrieved by the seizure of any house-hold electrical appliance under paragraph (c) of sub-clause (1) of clause 4 may appeal to the Central

Government within thirty days of the date on which such appliance is so seized and the decision of the Central Government on such appeal shall be final."

[No. 5/71/77-EL-Ind.]
Sd/-

G. V. RAMAKRISHNA,
(Additional Secretary to Govt. of India.)

भारत सरकार

उद्योग मन्त्रालय

(आर्योगिक विकास विभाग)
आदेश

नई दिल्ली, 18 दिसम्बर, 1978

संग्रह 7/15/(वी०) उद्योग.—केन्द्रीय, आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घरेलू विद्युत सचिव (क्वालिटी नियन्त्रण) आदेश, 1976 में संशोधन करने के लिये निम्नलिखित आदेश करती है, अर्थात्—

1. (1) इस आदेश का नाम घरेलू विद्युत सचिव (क्वालिटी नियन्त्रण) संशोधन आदेश, 1978 है।
(2) यह राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगा।

2. घरेलू विद्युत सचिव (क्वालिटी) नियन्त्रण आदेश, 1976 में,—

(1) खण्ड 2 में, उप-खण्ड (क) की उप-खण्ड (कक) के रूप में पुनः सांख्यांकित किया जायेगा और इस प्रकार पुनः सांख्यांकित उप-खण्ड (कक) से पहले, निम्नलिखित उप-खण्ड अन्तस्थापित किया जायेगा, अर्थात्—

“(क) ‘उद्योग निदेशक’ से राज्य सरकार द्वारा नियुक्त उद्योग निदेशक अभिप्रेत है”;

• (2) खण्ड 3 के पश्चात् निम्नलिखित खण्ड अन्तस्थापित किये जायेंगे, अर्थात्—

“4. (1) जानकारी इत्यादि मांगने की शक्ति.— उद्योग निदेशक, इस आदेश का अनुपालन करने के विचार से—

(क) किसी घरेलू विद्युत सचिव के विनिर्माण करने, विक्रय के लिये भण्डार करने, विक्रय या वितरण में लगे किसी व्यक्ति से यह अपेक्षा कर सकेगा कि वह उसे ऐसी जानकारी दे जैसी वह किसी घरेलू विद्युत सचिव के विनिर्माण करने विक्रय के लिये भण्डार करके, विक्रय या वितरण के सम्बन्ध में आवश्यक समझे या जैसी वह इस आदेश के क्रियान्वयन के लिये आवश्यक समझे या किसी व्यक्ति से किसी घरेलू विद्युत सचिव के नमूने या किसी लूपरे विद्युत सचिव के संघटक देने की अपेक्षा कर सकता है।

(ख) किमी घरेलू विद्युत सचिव के विनिर्माण करने विक्रय के लिये भण्डार करने, विक्रय वितरण में लगे किसी व्यक्ति द्वारा रखी गई या उसकी या उसके कब्जे या नियन्त्रण के अधीन की किन्हीं पुस्तकों या अन्य दस्तावेजों या किसी घरेलू विद्युत सचिव या सचिव के संघटकों का निरीक्षण कर सकेगा या करवा सकेगा।

(ग) किसी परिसर म प्रवेश कर सकेगा और तलाशी ले सकेगा और किसी घरेलू विद्युत सचिव का जिसके बारे में उसके पास विश्वास करने का कारण है कि इस आदेश का

उलंघन हुआ है या वह विनिर्दिष्ट स्तर का नहीं है, अधिग्रहण कर सकेगा।

- (2) तालाशी और अभिग्रहण से सम्बन्धित दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 100 के उपबन्ध, इस खण्ड के अधीन तालाशी और अभिग्रहणों को यावत्स्यक लागू होंगे।
- (5) नमूनों का परीक्षण.— 1. जहां उद्योग निदेशक की यह राय हो कि यह अभिनिश्चित करने के प्रयोजन के लिये ऐसा करना आवश्यक है कि कोई घरेलू विद्युत सचिव विनिर्दिष्ट स्तर का है या नहीं, वहां वह ऐसे विद्युत सचिव के विनिर्माण करने, विक्रय के लिये भण्डार करने, विक्रय या वितरण में लगे किसी व्यक्ति से उसका नमूना या नमूने ले सकेगा।
- (2) नमूना या नमूने ऐसे विद्युत सचिव के विनिर्माण करने, विक्रय के लिये भण्डार करने, विक्रय का वितरण में लगे ऐसे व्यक्ति या उसके प्राधिकृत प्रतिनिधि की उपस्थिति में लिये जायेगी इस प्रकार लिया गया और लिये गये नमूना और नमूने के बारे में उसकी रसोद ऐसे व्यक्ति को ऐसे प्रारूप में दी जायेगी जो केन्द्रीय सरकार द्वारा विनिर्दिष्ट किया जाये और उस वस्तु या सचिव की कीमत का, उस व्यक्ति को उद्योग निदेशक द्वारा सदस्य किया जायेगा।
- (3) जहां उद्योग निदेशक ने उप-खण्ड (1) के अधीन किसी घरेलू विद्युत सचिव का कोई नमूना ले लिया है, वहां वह उसे केन्द्रीय सरकार द्वारा इस प्रयोजन के लिये प्राधिकृत किसी प्रयोगशाला को परीक्षण के लिये भेजेगा कि वह विनिश्चित करे कि वह घरेलू विद्युत सचिव विनिर्दिष्ट स्तर का है या नहीं।
- (4) उप-खण्ड (3) में निर्दिष्ट प्रयोगशाला का भारसधक अधिकारी वे सभी परीक्षण करेगा या करवायेगा जो यह अवधारित करने के लिये आवश्यक हो कि ऐसा घरेलू विद्युत सचिव विनिर्दिष्ट स्तर का है या नहीं और परीक्षणों के परिणाम की रिपोर्ट तीन प्रतियों में ऐसे प्रारूप में देखा जो केन्द्रीय सरकार द्वारा विनिर्दिष्ट किया जाये।
6. किसी घरेलू विद्युत सचिव के व्ययन को निषिद्ध करने की शक्ति.—जहां उद्योग निदेशक के पास यह विश्वास करने का कारण है कि कोई घरेलू विद्युत सचिव विनिर्दिष्ट स्तर का नहीं है और उसकी खराबी को दूर किया जा सकता है, वहां वह ऐसे सचिव के विनिर्माण करने, विक्रय के लिये भण्डार करने विक्रय या वितरण में लगे व्यक्ति को यह निर्देश दे सकता है कि वह बीस दिनों से अधिक ऐसे समय के भीतर उस खराबी को दूर करे जो उद्योग निदेशक द्वारा विनिर्दिष्ट किया जाये और ऐसे सचिव का व्यय तब तक न किया जाये जब तक खराबी दूर नहीं हो जाती।
7. निर्देश जारी करने की शक्ति.—उद्योग निदेशक इस आदेश के उपबन्धों से मंगत ऐसे निर्देश जारी करेगा जो इस आदेश के प्रयोजनों को पूरा करने के लिये आवश्यक हों।
8. निर्देशों का अनुपालन.—किसी घरेलू विद्युत सचिव के विनिर्माण करने, विक्रय के लिये भण्डार करने, विक्रय या वितरणों में लगा प्रत्येक व्यक्ति जिसे इस आदेश के अधीन कोई निर्देश जारी हुआ हो' ऐसे निर्देश का पालन करेगा।
9. शक्तियों का प्रयोग.—उद्योग निदेशक, से इस आदेश के अधीन अपनी सभी या किन्तु शक्तियों या कृत्यों को अपनी ओर से करने के लिये किसी अधिकारी को प्राधिकृत कर सकता है:

परन्तु उद्योग निदेशक, खण्ड 4 के उप-खण्ड (1) के पैरा (ग) के अधीन तालाशी और अभिग्रहण की शक्तियों का प्रयोग करने के लिये सहायक उद्योग निदेशक अथवा इस के समक्ष्या ध्रेणी की पंक्ति से नीचे के किसी अधिकारी को प्राधिकृत नहीं करेगा।

10. जानकारी देने का दायित्व.—कोई भी व्यक्ति इस आदेश के उपबन्धों को अपवर्चित करने के आशय से खण्ड 4 के अधीन उससे विधिवत मांगी गई जानकारी देने से तो इनकार

करेगा और न ही ऐसे व्यक्ति द्वारा या ऐसे व्यक्ति के कब्जे या नियन्त्र में, रखी किन्हीं पुस्तकों या दस्तावेजों या किसी घरेलू विद्युत सचिव को छिपायेग, या नष्ट करेगा, या काटपीट या विसर्पित करेगा।

11. खण्ड 4 के उप-खण्ड (1) के पैरा (ग) के अधीन किसी घरेलू विद्युत सचिव के अभिग्रहण से व्यक्ति, जिस तारीख को ऐसे सचिव का अभिग्रहण होता है उससे तीस दिनों के भीतर केन्द्रीय सरकार को अपील कर सकता है और ऐसी अपील पर केन्द्रीय सरकार का निर्णय अन्तिम होगा।”

[संख्या 5/71/77-विद्युत उद्योग,]

हस्ताक्षरित

(जी० वी० रामकृष्ण,)
अवर सचिव भारत सरकार।

A copy of D.O. letter No. 5/71/77., Ind. dated the 23rd December, 1978 from Shri S. Venugopalan, Director, Ministry of Industry, Department of Industrial Development, New Delhi addressed to the Directors of Industries, Government of Maharashtra, Tamil Nadu, West Bengal and Delhi.

I am herewith enclosing a copy of the house-hold Electrical Appliances (Quality Control) Amendment Order, 1978 which now provides for delegation of powers to certain specified authorities in the State Government for implementation of the Order. A copy of the Press Note and the Guidelines issued in this connection regarding the implementation of the Order is herewith enclosed for your record and kind perusal.

The Planning Commission have agreed in principle to the inclusion of the scheme for implementation of the order by the State Governments as and when received in the Plan provisions of 1978-79. The necessary funds will however, be provided in the budgets after examination of the specific requests made by the respective State Governments for inclusion of these schemes in their annual plans.

We will be grateful if the order is implemented most expeditiously without waiting for the setting up of the full administrative set up for such implementation. Some immediate tangible action to implement the Order even though it may be very limited in nature may have a salutary effect on the quality of electrical appliances manufactured and sold in the country.

GOVERNMENT OF INDIA,
MINISTRY OF INDUSTRY
DEPARTMENT OF INDUSTRIAL DEVELOPMENT
PRESS NOTE

New Delhi, the 12th December, 1978

No. 5/71/77-EL. Ind.—House-hold Electrical Appliances are at present being manufactured in the country mostly by Small Scale Units situated mainly in the States of Maharashtra, West Bengal, Tamilnadu and the Union Territory of Delhi. In order to improve the quality of such electrical appliances, Government have issued an order called the House-hold Electrical Appliances (Quality Control) Order, 1978 under the Essential Commodities Act. This order has come into force w.e.f. 1st January, 1978. In terms of this Order, the manufacture, sale etc., of House-hold Electrical Appliances which are not of the minimum standard specified in the order, is prohibited.

In order to implement the order, Government have issued another order delegating powers to the Directors of Industries of State Governments. In terms of these powers, the Director of Industries can arrange to conduct tests for checking the quality of the House-hold Electrical Appliances as and when necessary and initiate action for improving the quality of the products under certain guidelines issued for the purpose. In terms of these guidelines all the units manufacturing electrical appliances shall be registered with the State Directors of Industries. The dealers of electrical appliances shall sell or store only such of those appliances as are manufactured by the units registered with the State Directors of Industries. All the manufacturing units are to be periodically visited by the representatives of the Directorate of Industries to check the availability of testing facilities in conformity with the specifications. In case any sample fails to meet the requirements of acceptance test laid down in this specification a warning may be issued to the Company for such failure asking them to take action to withdraw the goods already in the market for necessary correction/ improvement. A time limit of about a months may be given to the units for completing these actions. In case the second consecutive sample fails to meet the minimum requirement in respect of acceptance test the unit shall be asked to discontinue the manufacturing the manufacturing activities. Till such time the improvement is effected they would also be advised to withdraw the material from the dealers. Simultaneously the dealers would be advised not to sell the products which have been found wanting to safeguard their own interest. The third consecutive failure would lead to prosecution of the manufacturing units by State Directorate of Industries as provided under the Essential Commodities Act. It would thus be observed that the whole objective of the order is to see that the manufacturing units improve the quality of the House-hold Electrical Appliances to the utmost extent possible. In fact, it is also intended that as a first step the implementation will be restricted to acceptance test only. The Samples shall be got tested at the Laboratories of S.I.S.I's and Quality Marking Centres of the Directorates of Industries, and if necessary by any of the Laboratories under the Indian Standards Institution. It is hoped that the implementation of this order will improve the quality of the electrical appliances which are mostly manufactured in the Small Scale Sector Units and would ensure full protection against hazards to the consumer of these appliances.

Sd/-
 (S. VENUGOPALAN),
Director.

GUIDELINES FOR IMPLEMENTATION OF QUALITY CONTROL ORDER ON ELECTRICAL APPLIANCES (PREPARED BY I.S.I.)

O. General:

0.1 All units manufacturing electrical appliances shall be registered with the State Directorate of Industries. The Director of Industries should renew the licences after every two years based on satisfactory performance. The firm should mark on each electrical appliance serial number for proper identification. The firm should also declare names of their authorized dealers.

0.2 The dealer of electrical appliances shall sell/store for selling products manufactured by the units registered with the State Directorate of Industries. The dealer should also have the necessary authority letter from the firm whose products he is selling and keep necessary documentary evidence that the products are being obtained directly from the manufacturer.

0.3 All the manufacturing units should be periodically visited by the representative of Directorate of Industries to check the availability of testing facilities with

the units for checking conformity with the requirements of the specification. After the units have equipped themselves with testing facilities for acceptance test they may be advised to approach I.S.I. for getting I.S.I. certification licences.

0.4 In very State there should be an implementing authority working under the Directorate of Industries of the State. The Officers dealing with the implementation activities may be assigned specific duties in relation to withdrawal of samples, issuing of warning letters and cancellation of manufacturing licences etc.

1. Technical Evaluation:

1.1 One/two samples shall be drawn by the office of the Directorate of Industries once every six months for each of the products being manufactured by the units and once in a year from the dealers. As a first step of implementation testing of the samples shall be restricted only to acceptance test. The samples shall be got tested at the Laboratories of S.I.S.I. and Quality Marking Centres of the Directorate of Industries. If there is still any overflow of workload the same may be got tested by any of the laboratories under the Indian Standard Institution. The testing charges for testing of the samples shall be borne by the Directorate of Industries.

*Note.—*Products bearing I.S.I. Mark shall be deemed to be complying with the requirements of the relevant Indian Standard Specification. At this stage, therefore, no checking of those products be done by the Directorate of Industries and such units may be exempted for the purpose of implementing the Control Order by the Directorate of Industries.

2. Follow up Action:

2.1 In case any sample fails to meet the requirements of acceptance test laid down in the specification a warning letter shall be issued by the Director of Industries intimating the unit about the failures observed and advise them to take immediate steps to improve the quality to bring it in line with the Indian Standard Specification and to withdraw the product already in the market for necessary rectification/improvement. A time limit of about two months may be given to the units for completing these actions.

2.2 In case second consecutive sample fails to meet the minimum requirements in respect of acceptance test the unit shall be warned, asked to discontinue the manufacturing activities till such time the improvement is effected and advised to withdraw the material from the dealers. Simultaneously the dealers would be advised not to sell the products which have been found failing to safeguard their own interest.

2.3 Third consecutive failure, if observed, should lead to prosecution of the manufacturing units by State Directorate of Industries as provided under the Essential Commodities Act.